

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

RAY C. PATRICK)	
)	
vs.)	CAUSE NO. 3:05-CV-746 RM
)	(Arising from 3:05-CR-12(01)RM)
)	
UNITED STATES OF AMERICA)	

OPINION and ORDER

Ray Patrick's petition filed pursuant to 28 U.S.C. § 2255 was denied based on Mr. Patrick's waiver, in his plea agreement, of his right to file such a petition. He has filed an appeal of that order and asks that a certificate of appealability be issued.

Issuance of a certificate of appealability requires the court to find that Mr. Patrick has made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). He has not. In his plea agreement, Mr. Patrick waived his right to file a petition under § 2255, and he hasn't advanced any claims relating to the negotiation of his plea agreement. See Jones v. United States, 167 F.3d 1142, 1145 (7th Cir. 1999) ("[T]he right to mount a collateral attack pursuant to § 2255 survives only with respect to those discrete claims which relate directly to the negotiation of the waiver."). His request for a certificate of appealability [Doc. No. 7 in Cause No. 3:05-CV-746 RM] is DENIED.

SO ORDERED.

ENTERED: May 15, 2006

_____/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court

cc: J. Maciejczyk
R. Patrick